IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Madan Lal Vs. State of Rajasthan

S.B.CR.MISC. PETITION NO.1033/2004

against the order dt.12.10.2004 passed by Sessions Judge, Rajsamand in No.Cr.Revsion No.82/2004.

DATE OF ORDER :: July 25,2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Shankar Rajpurohit, for the petitioner.

Mr.Ashok Upadhyaya, Public Prosecutor.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has challenged the order dt. 12.10.2004 passed by Sessions Judge, Rajsamand (for short 'the revisional court' hereinafter) in Cr.Revision No.82/2004, whereby the revision petition filed by the petitioner against the order dt. 10.11.2003 passed by Chief Judicial Magistrate, Rajsamand (for short 'the trial court' hereinafter) in FR case arising out of FIR No.05/2002, Police Station, Rajnagar, was dismissed.

I have heard learned counsel for the petitioner and the learned Public Prosecutor. Carefully gone through the orders of the trial court as well as of the revisional court.

The petitioner has come up with the allegation that Mangilal has forged a document i.e. Patta. From the material collected by the police, it was established that Mangilal was posted to a particular Gram Panchayat w.e.f. 10.1.1991, whereas the alleged Patta, which according to the petitioner was forged, is dt. 13.3.1975. Mangilal was not posted to that particular Gram Panchayat in the year 1975, therefore, there being no question forging the Patta by him. Both the courts below, on careful scrutiny of the record, came to the conclusion that patta in question, which the petitioner claims in his favour, was in the name of Hanumanji-ki-Sarai, a property meant for the use of general public and that expression "Sarvajanik Hanumanji ki Sarai" has been erased and the patta was not found to be genuine. Both the courts below prima facie were of the opinion that the petitioner himself forged the patta.

I have carefully gone through the record of the police station and the material placed before the trial court and in my view, the trial court was justified in not taking the cognizance of

the offence and accepting the negative final report. The trial court also discussed the statements of complainant Madan Lal PW.1 and witnesses produced by him viz. PW.2 Navneet, PW.3 Mahesh, PW.4 Champa Lal, PW.5 Laxman Singh etc. Since the persons sought to be accused in the matter viz. Mangilal is not the person who was posted there in March, 1975 as he was posted there w.e.f. 10.1.1991. Therefore, there being no question of forging the patta by him as has been prima facie held by both the courts below.

In the circumstances, therefore, it cannot be said that the order impugned would result in serious miscarriage of justice. The petition has no force. The same is accordingly dismissed.

(H.R.PANWAR),J.

m.asif/-